

# TABLE OF CONTENTS

EXECUTIVE ETHICS BOARD	~~~~~	PAGE 2
ETHICS LAW	~~~~~	PAGE 3
KEY ETHICAL PRINCIPLES	~~~~~	PAGE 4
OBJECTIVITY	~~~~~	PAGE 5
CONFLICTS OF INTEREST	~~~~~	PAGE 5
FINANCIAL INTERESTS IN STATE TRANSACTIONS	~~~~~	PAGE 5-6
ASSISTING IN STATE TRANSACTIONS	~~~~~	PAGE 6-7
REMEDY	~~~~~	PAGE 7
SELFLESSNESS	~~~~~	PAGE 8
SPECIAL PRIVILEGES	~~~~~	PAGE 8
GIFTS	~~~~~	PAGE 8-11
POST STATE EMPLOYMENT	~~~~~	PAGE 11-13
STEWARDSHIP	~~~~~	PAGE 13
USE OF STATE RESOURCES	~~~~~	PAGE 14-15
INTERNET USE	~~~~~	PAGE 15-16
POLITICAL CAMPAIGNS	~~~~~	PAGE 17
TRANSPARENCY	~~~~~	PAGE 18
CONFIDENTIAL INFORMATION	~~~~~	PAGE 18-19
INTEGRITY	~~~~~	PAGE 19
OUTSIDE EMPLOYMENT	~~~~~	PAGE 19-21
HONORARIA	~~~~~	PAGE 22
INVESTIGATIONS AND COMPLAINTS	~~~~~	PAGE 23
SETTLEMENTS AND HEARINGS	~~~~~	PAGE 23
POTENTIAL PENALTIES	~~~~~	PAGE 24
CONTACT INFORMATION	~~~~~	PAGE 25
USE OF STATE RESOURCES RULE	~~~~~	PAGE 26-29
FREQUENTLY ASKED QUESTIONS	~~~~~	PAGE 30-39
CHAPTER 42.52 RCW, ETHICS IN PUBLIC SERVICE ACT	~~~~~	PAGE 44-73

# **THE EXECUTIVE ETHICS BOARD**

## ***Board Members***

Executive Ethics Board Members are appointed by the Governor as follows:

- (1) One member is a member of the classified service;
- (2) One member is a state officer or state employee in an exempt position;
- (3) One member is a citizen at large;
- (4) One member is a citizen selected from a list provided by the state auditor; and,
- (5) One member is a citizen selected from a list provided by the attorney general.

Except for initial members and those completing partial terms, members serve a single five-year term during which time they may not hold partisan or full-time nonpartisan elective office, make campaign contributions, or lobby other than on matters relating to the ethics law. (RCW 42.52.350 and RCW 42.52.380)

The Executive Ethics Board meets monthly, except for August and December. All meetings are open to the public and are normally scheduled the second Friday of the month. Agendas are posted 5-7 days prior to board meetings on our web site.

## ***Statutory Authority***

The Board has broad authority for interpreting and enforcing the state's ethics law, to include:

- Development of educational materials;
- Ethics training;
- Adoption of rules and policies implementing provisions of RCW 42.52;
- Advisory opinions;
- Investigation of complaints; and,
- Imposition of sanctions for violations of the ethics law.

The Board also has subpoena authority, and the authority to administer oaths and affirmations, examine witnesses, and receive evidence. (RCW 42.52.360)

# THE STATE'S ETHICS LAW

**“THE ULTIMATE ANSWER TO ETHICAL PROBLEMS IN GOVERNMENT IS HONEST PEOPLE  
IN A GOOD ETHICAL ENVIRONMENT.”**

**—JOHN F. KENNEDY**

## ***WHY AN ETHICS LAW?***

An ethics law establishes minimum standards of conduct while performing public duties, and seeks to remove doubts concerning violations of public trust and confidence, the impairment of independent judgment, and favoritism in the performance of public duties that can be created by outside or personal interests.

## ***WHO IS SUBJECT TO THE ETHICS ACT?***

Every person holding a position of public trust in or under an executive, legislative, or judicial office of the state is subject to the Ethics law. This includes judges of the superior court, judges of the court of appeals, justices of the supreme court, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. State officers and employees also include any person exercising or undertaking to exercise the powers or functions of a state officer. Members of the Legislature, together with the Secretary of the Senate and the Chief Clerk of the House of Representatives, are subject to the Ethics Law enforced by the Legislative Ethics Board.



# CORE ETHICAL PRINCIPLES

*“State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.” (RCW 42.52.900)*

- **Objectivity** - Public Employees must place the public’s interest before any private interest or outside obligation – choices need to be made on the merits.
- **Selflessness** - Public employees should not make decisions in order to gain financial or other benefits for themselves, their family, or their friends.
- **Stewardship** - Public employees have a duty to conserve public resources and funds against misuse and abuse.
- **Transparency** - Public employees must practice open and accountable government. They should be as open as possible about their decisions and actions, while protecting truly confidential information.
- **Integrity** - Public employees should not place themselves under any financial or other obligation to outside individuals or organizations that might influence them in the performance of their official duties.

**“THE REPUTATION OF A THOUSAND YEARS IS DETERMINED BY THE CONDUCT OF ONE HOUR.”**

**—JAPANESE PROVERB**



# **OBJECTIVITY**

**PUBLIC EMPLOYEES MUST PLACE THE PUBLIC INTEREST BEFORE ANY PRIVATE INTEREST OR OUTSIDE OBLIGATION – CHOICES MUST BE MADE ON THE MERITS.**

- **RCW 42.52.020, Activities incompatible with public duties**
- **RCW 42.52.030, Financial interests in transactions**
- **RCW 42.52.040, Assisting in transactions**

## ***Conflicts of Interest***

**CONFLICT OF INTEREST LAWS DEFINE THE LINE BETWEEN PUBLIC DUTIES AND PERSONAL INTERESTS, INCLUDING FINANCIAL AND NON-FINANCIAL INTERESTS AND OBLIGATIONS.**

### ***Activities incompatible with public duties (RCW 42.52.020)***

**Intended as a general conflict of interest provision, RCW 42.52.020 provides that:**

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of the state officer's or state employee's official duties.

### ***Financial interests in transactions (RCW 42.52.030)***

**These provisions are intended to cover conflict of interest situations where a state officer or employee participates in a state transaction while having a financial or beneficial interest in the transaction. RCW 42.52.030 prohibits:**

- A state officer or employee from being beneficially interested in a contract, sale, lease, purchase or grant made by, through, or under the officer's or employee's supervision;

- A state officer or employee from accepting, directly or indirectly, any compensation, gift, or reward from any person beneficially interested in a contract, sale, lease, purchase or grant.
- A state officer or employee from participating in a transaction involving the state with a person of which the officer or employee is an officer, agent, employee or member, or in which the officer or member owns a beneficial interest.

**However, if you are an officer or employee of an institution of higher education or the Spokane Intercollegiate Research and Technology Institute you may:**

- Serve as an officer, agent, employee, or member, or on the board of directors, board of trustees, advisory board, or committee or review panel for any nonprofit institute, foundation, or fundraising entity;
- Serve as a member of an advisory board, committee, or review panel for a governmental or other nonprofit entity.

#### **What does “Participate” and “Transaction” mean?**

"Participation" must be both personal and substantial. However, the term is broadly defined and includes approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.

“Transaction” is also broadly defined and includes a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that you believe, or have reason to believe:

- (i) Is, or will be, the subject of state action; or
- (ii) Is one to which the state is or will be a party; or
- (iii) Is one in which the state has a direct and substantial proprietary interest.

#### ***Assisting in transactions (RCW 42.52.040)***

**These provisions limit your ability to assist others in a transaction involving the state if you participated in that transaction. RCW 42.52.040 prohibits:**

- A state officer or employee from assisting another person, directly or indirectly, whether or not for compensation, in a transaction if:
  - The employee has at any time participated in the transaction; or,
  - The transaction has been under the official responsibility of the officer or employee within a period of two years preceding such assistance.

- In addition, a state officer or employee may not share in compensation received by another for assistance that the employee is prohibited from providing.
- Finally, a business entity of which a state officer or state employee is a partner, managing officer, or employee may not assist another person in a transaction if the state officer or state employee is prohibited from assisting in the transaction.

## **Remedy**

### **What do I do if I have a conflict of interest?**

The Ethics in Public Service Act does not prohibit private interests or the state employment of your family members. In several Advisory Opinions, the Board advised that state officers and employees may resolve conflicts of interest by disclosing any interest that may be in conflict with official duties and abstaining from participation in any agency discussions or actions on any issue where the interest may be affected.

Remember - Participation is very broadly defined and includes making recommendations or giving advice to decision-makers. In addition, abstaining must be complete. Conflicts are not resolved by assigning decisions, including later oversight and follow up actions, to employees under your supervision. As a general rule, you should disclose potential conflicts to your supervisor or managers and let them decide how to best resolve the conflict. While not required in the law, written procedures, e.g. screening memos, can resolve or ameliorate any appearance that you were improperly involved in a prohibited transaction. Screening memos should be distributed to all participants in the transactions.

# **SELFLESSNESS**

**PUBLIC EMPLOYEES SHOULD NOT MAKE DECISIONS IN ORDER TO GAIN FINANCIAL OR OTHER BENEFITS FOR THEMSELVES, THEIR FAMILY, OR THEIR FRIENDS.**

- **RCW 42.52.070, Special privileges**
- **RCW 42.52.140, Gifts**
- **RCW 42.52.150, Limitations on Gifts**
- **RCW 42.52.080, Employment after Public Service**

## ***Special Privileges***

**This provision applies to the improper use of one's state position and provides:**

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

## ***Gifts***

### **THE GENERAL RULE**

**NEVER ACCEPT A GIFT, GRATUITY, OR ANY THING OF VALUE IF THE GIFT, GRATUITY, OR THING OF VALUE COULD BE REASONABLY EXPECTED TO INFLUENCE YOUR VOTE, JUDGMENT, OR ACTION.**

### ***Gifts Generally (RCW 42.52.140)***

**This provision applies to gifts that are related to official duties and provides:**

No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonable expected that the gift, gratuity, or favor would influence the vote, judgment or action of the officer or employee, or be considered as part of a reward for action or inaction.

### ***Limitations on gifts (RCW 42.52.150)***

**This provision establishes a \$50.00 gift limit and provides for special limits and exemptions for certain state employees:**

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty (\$50) dollars from a single source in a calendar year. ... The value of gifts given to an officer's or employee's family member or guest shall be attributed to the officer or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

**A. *Items that are exempt from the definition of "gift" under RCW 42.52.010(10). State officers and employees who participate in contracting or regulation, however, may not accept those items marked with an asterisk (\*):***

- Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;
- Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- Items exchanged among officials or employees or a social event hosted or sponsored by a state officer or state employee for co-workers;
- Payments by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity.\*
- Items a state officer or state employee is authorized by law to accept;
- Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association or charitable institution.\*
- Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;
- Campaign contributions reported under 42.17 RCW;
- Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- Awards, prizes, scholarships, or other items provided in recognition, academic, or scientific achievement.

**B. *These are gifts you may accept without regard to the \$50.00 limit if you do not regulate or contract for goods and services, and if circumstances do not create the appearance of influence (RCW 42.52.150(2), (3), and (5))***

- Unsolicited flowers, plants, and floral arrangements;
- Unsolicited advertising or promotional items of nominal value;
- Unsolicited tokens or awards of appreciation—plaques, trophies, desk items;
- Unsolicited items for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the use or acquisition of the item by the agency;
- Informational material, publications, or subscriptions related to official duties;
- Food and beverages at hosted receptions where attendance is related to official duties;
- Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;
- Unsolicited gifts from dignitaries in another state or a foreign country intended to be personal in nature; and
- Food and beverages on infrequent occasions in the ordinary course of state business.

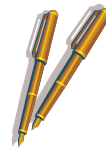
**When are you considered a “Section 4” employee?**

If an officer or employee's duties include regulating certain members of an industry, the Section 4 gift restrictions apply to gifts from any entity potentially subject to being regulated, not just those currently regulated. Likewise if the officer or employee's duties include decisions about contracting or purchasing, the Section 4 gift restrictions would apply to gifts from any potential future contractor or vendor.

**C. *These are the only gifts you may accept if you participate in regulation or contract for goods and services (RCW 42.52.150(4)). The \$50 limit does not apply, but you may not accept any gift that is not included on this list.***

- Items from family members where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;
- Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- Items exchanged among officials or employees or a social event hosted or sponsored by a state officer or state employee for co-workers;
- Items a state officer or state employee is authorized by law to accept;
- Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;
- Campaign contributions reported under 42.17 RCW;
- Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group;
- Awards, prizes, scholarships, or other items provided in recognition or academic or scientific achievement;

- Unsolicited advertising or promotional items of nominal value;
- Unsolicited tokens or awards of appreciation in the form of a plaques, trophies, desk items;
- Unsolicited items for the purpose of evaluation or review, if you have no personal beneficial interest in the use or acquisition of the item by the agency;
- Informational material, publications, or subscriptions related to the performance of official duties;
- Food and beverages at hosted receptions where attendance is related to official duties; and
- Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization.



## REMEDY

### What if I receive a gift that is prohibited?

**Not accepting any gift is one sure way to know you are in compliance with the Gift law. In the alternative, prohibited gifts may be returned to the sender or donated to charity within 30 days of receipt. If donated to charity, you may want to consider sending a letter to the giver indicating your actions. If ever in doubt, contact your ethics advisor or Executive Ethics Board staff for clarification. (See RCW 53.52.010(10)(g))**

## **POST-STATE EMPLOYMENT**

**POST-STATE EMPLOYMENT RESTRICTIONS ARE DESIGNED TO ENSURE THAT A FORMER STATE OFFICER OR STATE EMPLOYEE DOES NOT OBTAIN AN ADVANTAGE AS A RESULT OF DECISIONS OR ACTIONS MADE WHILE IN PUBLIC SERVICE.**

*Post-state employment restrictions fall into one of three categories: a contract restriction, a beneficial interest restriction; and continuing restrictions. (RCW 42.52.080)*

### ***The Contract Restriction***

The contract restriction applies only to those state officers and state employees who were involved in the negotiation or administration of agency contracts. The restriction under RCW 42.52.080(1) prohibits a former state officer or state employee from accepting employment or receiving compensation from an employer if:

- The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that [the post-state] employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration; **and**,
- Such a contract or contracts have a total value of more than ten thousand dollars; **and**,
- The duties of the employment with the [post-state] employer or the activities for which compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts.

### ***The Beneficial Interest Restriction***

The two-year beneficial interest restriction does not prohibit a former state officer or state employee from doing business with his or her former state agency for a period of two years. The restriction applies only to the acquisition of a beneficial interest in a contract or grant. Under this provision, a former state officer or state employee may not:

- Within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

## *The Continuing Restrictions*

Several of the post-state employment restrictions are continuing. That is, there is no statutorily defined time limit that determines when these restrictions end. There are continuing restrictions on the following activities by former state officers and state employees:

- Accepting an offer of [post-state] employment or receiving compensation from a [post-state] employer if the officer or employee knows or has reason to believe that the offer or employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during state employment.
- Accepting an offer of [post-state] employment or receiving compensation from a [post-state] employer if circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of a duty by the officer or employee during state employment.

Participating, at any time subsequent to state employment, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment.

## **STEWARDSHIP**

**PUBLIC EMPLOYEES HAVE A DUTY TO CONSERVE PUBLIC RESOURCES AND FUNDS AGAINST MISUSE AND ABUSE.**

- **RCW 42.52.070, Special privileges**
- **RCW 42.52.160, Use of persons, money, or property for private gain**
- **RCW 42.52.180, Use of public resources for political campaigns**
- **WAC 292-110-010, “De minimis” use of public resources**

## *Use of Resources*

**USE OF STATE RESOURCES FOR PRIVATE BENEFIT OR GAIN IS PROHIBITED UNLESS AN ALLOWABLE EXCEPTION WITHIN THE ETHICS LAW OR UNDER WAC 292-110-010. AGENCIES MAY NOT ADOPT LESS RESTRICTIVE STANDARDS.**

### *Use of persons, money, or property for private gain (RCW 42.52.160)*

**This provision prohibits the private use of state resources and provides:**

- (1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.
- (2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.
- (3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use by the state officer or state employee, or de minimis cost and value, if the activity does not result in interference with the proper performance of official duties.

### *The Use of Resources Rule (WAC 292-110-010)*

#### ***THE GREEN ZONE – Official use is permitted***

A use of state resources that is reasonably related to the conduct of official state duties does not violate RCW 42.52.160. In addition, an agency head or designee may authorize a use of state resources that is related to an official state purpose but not directly related to an employee's official duty, for example, conducting an agency Combined Fund Campaign. Such uses shall be specifically authorized in writing and any use shall strictly conform to specific agency guidance.

## ***THE YELLOW ZONE - General rules under WAC 292-110-010***

The Executive Ethics Board has adopted guidelines for exceptions to the no personal use standard under RCW 42.52.160(1). **These exceptions are narrowly construed and do not apply to all uses of state resources.** The Board allows limited unofficial use if:

- There is little or no cost to the state;
- Any use is the most effective use of time or resources;
- There is no interference with the performance of official duties;
- The use is brief in duration and frequency;
- The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
- The use does not compromise the security or integrity of state information or software.

### ***What does this mean in practical terms on a daily basis?***

This means that occasional local telephone calls for medical and dental appointments, child or elder care arrangements, transportation coordination, etc., are acceptable.

This means that occasional and brief personal e-mail messages are acceptable.

This does not mean state resources can be used for any purpose during break periods.

## ***THE RED ZONE - Prohibitions under WAC 292-110-010***

Certain uses of state resources are prohibited regardless of whether there is no cost to the state and the use does not interfere with the performance of official duties. These uses include:

- Any use for the purpose of conducting an outside business, whether or not for profit.
- Any use for the purpose of assisting the campaign of any candidate for election to any office, or to oppose or promote a ballot proposition;
- Any use for commercial purposes such as advertising or selling;
- Illegal activities or activities incompatible with a professional workplace, e.g., accessing adult-oriented sites or gambling on the Internet;
- Lobbying activity unless authorized by law; and
- Any use to promote, support, or solicit for an outside organization or group unless the activity is approved by an agency head or his or her designee.

### ***Internet Use***

Any personal use of state provided Internet access must be both brief and infrequent. Extensive personal use of state provided access is not permitted.

In addition, your agency must have adopted a policy that specifically permits personal use of the Internet.

The following examples address uses of the Internet based on the assumption that an agency has adopted a policy allowing de minimis use of the Internet:

**Example A:** Several times a month an employee quickly uses the Internet to check his or her children's school website to confirm if the school will end early that day. The transaction takes about five minutes. This is not an ethical violation. The use is brief and infrequent, there is little or no cost to the state and the use does not interfere with the performance of official duties.

**Example B:** An employee routinely uses the Internet to manage her personal investment portfolio and communicate information to her broker. This is an ethical violation. Using state resources to monitor private stock investments or make stock trades, are private activities that can result in a private financial benefit or gain. Allowing even an occasional or limited use of state facilities to facilitate a private financial gain undermines public confidence in state government.

**Example C:** An employee spends thirty to forty minutes looking at various web sites related to a personal interest. This is an ethical violation. The use is not brief and can interfere with the performance of state duties.

**Example D:** An employee visits several humor and joke sites. While at a site, he/she downloads a joke file and e-mails it to several co-workers. This is an ethical violation. By e-mailing a file to co-workers the employee disrupts other state employees and obligates them to make a personal use of state resources. In addition, downloading files and distributing them to co-workers can introduce a computer virus, which can compromise state databases.



Use of the Internet is permitted ***ONLY IF THE USE IS*** consistent with the de minimis standards ***AND ONLY IF*** the employee's agency has adopted a policy governing Internet access that is also consistent with de minimis standards. In addition, if you agency policy has NOT been approved by the Executive Ethics Board, allowable uses under the agency policy may not absolve you from sanction if the policy violates the Ethics Act.

### ***Other Standards You Need to Know About***

- No personal use may be made of state resources that are removed from a state facility;
- Use of the Internet is limited to official business purposes, unless your agency has adopted an appropriate use policy; and,
- Personal use of state resources may not be reimbursed so that there is no actual cost to the state. Allowing systematic reimbursement rationalizes personal use. Any system of reimbursement must be established by agencies in advance and approved by the Executive Ethics Board to be valid. WAC 292-110-010(6)

### ***Use of Public Resources in Political Campaigns (RCW 42.52.180)***

The state's ethics law prohibits the use of the facilities of a state agency for political campaigns. Facilities of an agency are broadly construed to include, but are not limited to, stationery, postage, machines, equipment, use of state employees during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency. You can violate the ethics law if you allow the use of public resources for political campaigns and do not act to stop the use.

Exceptions to this prohibition apply for elected officials and to activities that are the normal and regular conduct of a state agency. Contact the ethics office or your assigned assistant attorney general for guidance on whether an exception may apply to your activities.



**Electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record, and therefore may be distinguished from other forms of communication such as telephone conversations. Electronic records also are reproducible, so they cannot be considered private. Such records may be subject to the public disclosure law, or legitimately may be disclosed for audit or management purposes.**  
**WAC 292-110-010(7)**

# **TRANSPARENCY**

**PUBLIC EMPLOYEES MUST PRACTICE OPEN AND ACCOUNTABLE GOVERNMENT. THEY SHOULD BE AS OPEN AS POSSIBLE ABOUT THEIR DECISIONS AND ACTIONS, WHILE PROTECTING TRULY CONFIDENTIAL INFORMATION.**

## ***Confidential Information* (RCW 42.52.050)**

Do not disclose confidential information gained by reason of your official position or otherwise use confidential information for personal gain or benefit.

**Confidential information—Improperly concealed records.** (1) No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or the employee by reason of the official's or employee's official position. (RCW 42.52.050(1))

No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another. (RCW 42.52.050(2))

No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith. (RCW 42.52.050(4))

**Examples of common exemptions from public disclosure under RCW 42.17.310 include, but are not limited to:**

- (b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;
- (f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.
- (l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(t) All applications for public employment, including the names of the applicants, resumes, and other related materials with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

**Consult with your agency's public records officer or the assigned Assistant Attorney General on all public disclosure requests.**

## **INTEGRITY**

**PUBLIC EMPLOYEES SHOULD NOT PLACE THEMSELVES UNDER ANY FINANCIAL OR OTHER OBLIGATION TO OUTSIDE INDIVIDUALS OR ORGANIZATIONS THAT MIGHT INFLUENCE THEM IN THE PERFORMANCE OF OFFICIAL DUTIES.**

- **RCW 42.52.020, Activities incompatible with public duties**
- **RCW 42.52.110, Compensation for official duties or nonperformance**
- **RCW 42.52.120, Compensation for outside activities**
- **RCW 42.52.130, Honoraria**

### ***Outside Employment***

**NO STATE OFFICER OR STATE EMPLOYEE MAY RECEIVE ANY THING OF ECONOMIC VALUE UNDER ANY CONTRACT OR GRANT OUTSIDE OF OFFICIAL DUTIES.**

#### ***Compensation for official duties or nonperformance (RCW 42.52.110)***

**This provision limits receipt of compensation for official duties:**

No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source for performing or

omitting or deferring the performance of any official duty, unless otherwise authorized by law except: (1) The state of Washington; ...

**However, if you work for an institution of higher education or the Spokane Intercollegiate Research and Technology Institute, you may also accept compensation for official duties from:**

... a governmental entity, an agency or instrumentality of a governmental entity, or a nonprofit corporation organized for the benefit and support of the state employee's agency or other state agencies pursuant to an agreement with the state employee's agency.

***Conditions under which outside compensation may be accepted. (RCW 42.52.120(1))  
Each condition must be met.***

**A. You may accept compensation under an outside contract or grant if the contract or grant is bona fide and actually performed.** This means you must perform the work for which you are paid.

**B. You may accept compensation under an outside contract or grant if the performance or administration of the contract is not within the course of your official duties, or is not within your official supervision.** This means your official duties must be unconnected or unrelated to the work performed under the contract and, the contract or grant you receive cannot be one over which you exercise supervision in your official capacity.

**C. You may accept compensation under an outside contract or grant if the performance of the grant is not prohibited by RCW 42.52.040 or by applicable rules governing outside employment for you.** This means you would not violate the prohibition against assisting others in a state transaction under RCW 42.52.040 by accepting the outside contract or grant; and the outside work is not prohibited by your agency.

**D. You may accept compensation under an outside contract or grant if the contract is neither performed for nor compensated by any person from whom such officer or employee would be prohibited by RCW 42.52.150(4) from receiving a gift.** This means you cannot accept work under a contract or grant from anyone you regulate or contract with as part of your official duties.

**E. You may accept compensation under a contract or grant if the contract or grant is not one expressly created or authorized by you in your official capacity.** This means you cannot use your official position to enter into an outside contract or grant.

**F. You may accept compensation under a contract or grant if the contract or grant would not require the disclosure of confidential information.** Exercise due caution if the outside employment involves services to clients you also work with in your official capacity, particularly if you have access to confidential information about those clients that could benefit an outside employer.

## ***What if your outside work is for another state agency?***

Special standards govern receipt of a contract or grant with a state agency while you are employed by the state. These standards apply **whenever** a contract or grant is awarded or issued as a result of a non-competitive process, or when the bid of a state officer or state employee is the only bid received in a competitive process.

- **You must receive the prior approval of the Executive Ethics Board before entering into a contract or grant.** RCW 42.52.120(2)(b) and (c).
- **You must provide all of the following information to obtain approval:**
  - A description of your current official duties and responsibilities;
  - A statement of the work to be performed;
  - A copy of the proposed contract or grant;
  - The duration and dollar value of the contract, if applicable;
  - A statement that no state resources will be used to perform all or any of the work under a contract or grant;
  - A description of how the work will be performed without the use of state resources; and
  - A statement that the employing agency has reviewed or approved the outside contract under applicable rules or policies, if applicable.
- **Approval may be granted by the Executive Director if the contract or grant clearly satisfies the conditions under RCW 42.52.120(1) and RCW 42.52.160(1). Otherwise, the contract will be submitted to the Executive Ethics Board at a regular meeting.**

**If approved, file a copy of the contract or grant with the ethics office within thirty (30) days of execution.**



## ***Honoraria***

**AN HONORARIUM MEANS MONEY OR THING OF VALUE OFFERED FOR A SPEECH, APPEARANCE, ARTICLE, OR SIMILAR ITEM IN CONNECTION WITH YOUR OFFICIAL ROLE IN STATE GOVERNMENT.**

*An honorarium may not be accepted unless specifically authorized by your agency.  
(RCW 42.52.130)*

**An agency may not authorize receipt under any of these circumstances:**

- A. The person offering the honorarium is seeking or is reasonably expected to seek contractual relations or a grant from the agency and you are in a position to participate in the terms or the award of the contract or grant.
- B. The person offering the honorarium is regulated by the agency and you are in a position to participate in the regulation.
- C. The person offering the honorarium (i) is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the state officer's or state employee's agency; and (ii) you may participate in the enactment or adoption.

### **More about honoraria...**

- You may use state time and resources to prepare materials for a speech or presentation for which an honorarium will be paid because the activity is related to your official role in state government.
- If your agency does not allow you to use state time and resources to prepare materials for a speech or presentation under RCW 42.52.130, any payment you receive is not an honorarium subject to the agency's approval, but rather outside compensation subject to RCW 42.52.120.
- An honorarium does not include payment for travel, lodging, or subsistence expenses which are gifts subject to RCW 42.52.150.

# COMPLAINTS AND INVESTIGATIONS

The Board may receive or initiate ethics complaints. Any person, including any citizen, a state officer or a state employee, may file complaints. The Board may also initiate its own complaint, but normally reserves this authority to referrals from other state agencies, including the referral of *whistleblower reports* from the State Auditor.

Complaints must name a specific state officer or state employee and allege conduct that, if true, could violate the state's ethics law or rules adopted under it. The ethics law applies to individual state officers and state employees. *State agencies cannot violate the ethics law.* (RCW 42.52.410 and RCW 42.52.420)

During the course of an initial investigation, the respondent is notified of the alleged violation(s) and provided with an opportunity to respond. The results of the investigation may be presented to the Executive Director for the purpose of making an Order of Dismissal. Under RCW 42.52.425, the Executive Director may dismiss a complaint if any violation that may have occurred was:

- Not within the jurisdiction of the Board;
- Obviously unfounded or frivolous;
- Inadvertent and minor, or has been cured

If not dismissed by the Executive Director, the results of the investigation are presented to the Board for the purpose of making a reasonable or no reasonable cause determination. **The Board makes all reasonable cause/no reasonable cause determinations.** If the Board finds no reasonable cause, the complaint is dismissed.

## *Settlements and Hearings*

If the Board finds reasonable cause, the matter is scheduled for a public hearing. Most cases, however, are resolved through informal and negotiated settlements.

A negotiated settlement may be reached either prior to or after a reasonable cause determination. All settlements are subject to final action by the Board, which may approve, modify, or reject the settlement. If the Board modifies a settlement agreement, the respondent has the opportunity to accept or reject those modifications. If the modifications are rejected, the normal hearing process continues. The intent of negotiated settlement is to resolve those matters alleged in an ethics complaint filed with the Board. A settlement does not purport to settle other claims or actions involving the state of Washington or its officers or employees.

## ***Potential Penalties***

By administrative rule, the Board has established criteria for civil penalties that may be levied for violations of the state's ethics law and rules adopted under this law. (WAC 292-120)

Potential penalties include:

- (1) A civil penalty not to exceed \$5000 per violation or three times the economic value of any thing sought or received in violation of the ethics law;
- (2) Restitution; and,
- (3) Recovery of investigative costs

Agencies have independent authority to implement disciplinary action for violations of the state's ethics law. (RCW 42.52.520) The Executive Ethics Board does not consult with agencies or offer advice on disciplinary action.

# **CONTACT INFORMATION**

For ethics advice, filing complaint information, Board advisory opinions, training, and general information, please call Board staff at:

(360) 664-0871

Or send e-mail to [ethics@atg.wa.gov](mailto:ethics@atg.wa.gov)

Visit our website at:

[www.wa.gov/ethics](http://www.wa.gov/ethics)

## ***Other Resources***

### **Your Agency**

Many state agencies have established their own internal policies or administrative rules that relate to ethical issues and questions that are specific to the agency. It's a good idea to check these policies and rules first, particularly in the area of outside employment, to see what steps you should follow. A growing number of state agencies have their own ethics advisors. The ethics advisors can help resolve questions internally, or may consult with the Executive Ethics Board's office. Either way, the goal will be to resolve your ethics question informally.

Remember, your agency may adopt policies that are more restrictive than the requirements in the state's ethics law. If your agency adopts such a policy, you must comply with the agency policy.

### **The Attorney General's Office**

An agency's assigned Assistant Attorney General (AAG) is also another available resource. If you don't know who your assigned AAG is, call 360-753-6200.

**WAC 292-110-010**

**USE OF STATE RESOURCES**

**AND**

**WAC 292-110-060**

(EFFECTIVE SEPTEMBER 13, 2004)

**STATE EMPLOYEES CONTRACTING WITH STATE  
AGENCIES**

## **WAC 292-110-010 Use of state resources.**

(1) **Statement of principles - stewardship.** The proper stewardship of state resources, including funds, facilities, tools, property, and employees and their time, is a responsibility that all state officers and employees share. Accordingly, state employees may not use state resources for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Personal benefit or gain may include a use solely for personal convenience, or a use to avoid personal expense. Responsibility and accountability for the appropriate use of state resources ultimately rests with the individual state officer and state employee, or with the state officer or state employee who authorizes such use. Employees and officials are cautioned that their own personal use of state resources should never interfere with another state official or employee, or obligate another employee to make personal use of state resources. In addition, state employees have an affirmative duty to ensure that any personal use of state resources is the most efficient in terms of time and resources.

(2) **Permitted uses.** Use of state resources that is reasonably related to the conduct of official state duties does not violate RCW [42.52.160](#). In addition, an agency head or designee may authorize a use of state resources that is related to an official state purpose but not directly related to an employee's official duty, for example, conducting an agency combined fund campaign. Such uses shall be specifically authorized in writing and any use shall strictly conform to specific agency guidance.

(3) **Permitted uses - under limited circumstances.** Extensive or repeated personal misuse of state resources, including state time, significantly undermines public trust in state government. Nevertheless, a very limited personal use of state resources that supports organizational effectiveness would not undermine public trust and confidence. An agency may authorize a specific use that promotes organizational effectiveness or enhances the job-related skills of a state officer or state employee. In addition, and notwithstanding the prohibition in RCW [42.52.160](#)(1), but subject to subsection (6) of this section, a state officer or employee may make an occasional but limited use of state resources only if each of the following conditions are met:

- (a) There is little or no cost to the state;
- (b) Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
- (c) The use does not interfere with the performance of the officer's or employee's official duties;
- (d) The use does not disrupt or distract from the conduct of state business due to volume or frequency;
- (e) The use does not disrupt other state employees and does not obligate them to make a personal use of state resources; and
- (f) The use does not compromise the security or integrity of state property, information, or software.

(4) **Permitted use of computers and electronic mail, and the Internet.** A state officer or employee may use state computers and other equipment to access computer networks or other data bases, including the Internet and electronic mail provided such use conforms to ethical standards under subsection (3) of this section, and the use is not otherwise prohibited under subsection (6) of this section. A state officer or employee may use state computers and other

equipment to access the Internet only if the officer's or employee's agency has adopted a policy governing Internet access that is consistent with subsections (3) and (6) of this section.

(5) **No expectation of privacy.** Electronic mail, facsimile transmissions, and voice mail are technologies that may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. An electronic record is reproducible and is therefore not private. Such records may be subject to disclosure under the public disclosure law, or may be disclosed for audit or legitimate state operational or management purposes.

(6) **Prohibited uses.** The state Constitution, state and federal laws, and the Ethics in Public Service Act strictly prohibit certain private activity and certain uses of state resources. Any use of state resources to support such activity clearly undermines public confidence in state government and reflects negatively on state employees generally. This rule explicitly prohibits at all times the following private uses of state resources.

- (a) Any use for the purpose of conducting an outside business or private employment;
- (b) Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to: A private business, a nonprofit organization, or a political party (unless provided for by law or authorized by an agency head or designee);
- (c) Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Such a use of state resources is specifically prohibited by RCW [42.52.180](#), subject to the exceptions in RCW [42.52.180\(2\)](#);
- (d) Any use for the purpose of participating in or assisting in an effort to lobby the state legislature, or a state agency head. Such a use of state resources is specifically prohibited by RCW [42.17.190](#), subject to the exceptions in RCW [42.17.190\(3\)](#);
- (e) Any use related to conduct that is prohibited by a federal or state law or rule, or a state agency policy; and
- (f) Any private use of any state property that has been removed from state facilities or other official duty stations, even if there is no cost to the state.

(7) **Reimbursement for personal use.** Establishing a system for reimbursement for private or personal use of state resources undermines the purpose of the Ethics in Public Service Act and imposes significant administrative burdens on state agencies. However, the board recognizes that in some limited situations, such as officers or employees working at remote locations, a system of reimbursement may be appropriate. Any system of reimbursement must be established by the agency in advance and must result in no cost to the state, including administrative costs. To be valid under this rule, the board must approve any reimbursement system implemented by an agency.

(8) **Agency policies encouraged.** State agencies are encouraged to adopt policies applying these principles to their unique circumstances. Agency policies that are approved by the board qualify for "safe harbor" under WAC [292-120-035](#). Nothing in this rule is intended to limit the ability of an agency to adopt policies that are more restrictive. However, violation of a more restrictive agency policy by itself will not constitute a violation of RCW [42.52.160](#), it would constitute a violation of agency policy.

**(9) Frequently asked questions and examples.** The board maintains a list of frequently asked questions and examples that provide additional guidance regarding this rule. State officers and employees are encouraged to review this document at the board's website [www.wa.gov/ethics](http://www.wa.gov/ethics) or to request a copy of the document through the board's office.

Washington State Executive Ethics Board  
2425 Bristol Court SW  
P.O. Box 40149  
Olympia, WA 98504-0149  
Or by electronic mail at: [ethics@atg.wa.gov](mailto:ethics@atg.wa.gov)

**WAC 292-110-060 Compensation for outside activities and contracting with state agencies.**

**(1) Purpose** - The primary purposes of the Ethics in Public Service Act are to prevent conflicts of interest that impair the impartial and independent judgment of state officers and employees and the misuse of state position for private gain. Conflicts of interest occur whenever a state officer or state employee: (a) has a beneficial interest relating to a matter in which the officer or employee participated in an official capacity; (b) accepts outside compensation for the performance or nonperformance of official duties; or (c) accepts or seeks outside compensation from persons that they regulate or conduct state business with. A misuse of state position occurs whenever a state officer or employee: (a) uses his or her official position to influence a contract award; or (b) uses state resources to engage in private work that is not part of official duties.

**(2) Applicable law, standards of review** – RCW 42.52.020 prohibits financial and other interests that conflict with official duties. RCW 42.52.030 prohibits financial and beneficial interests in transactions involving the state. RCW 42.52.030(2) provides alternate conflict interest provisions related to research and technology transfer agreements at certain institutions of higher education. RCW 42.52.160(1) prohibits the use of state resource for private benefit or gain. RCW 42.52.120(1) prohibits compensation outside of official duties unless certain conditions are met. RCW 42.52.120(2) requires prior board approval of non-competitive contracts between state officers and employees and any state agency. RCW 42.52.120(3) requires that contracts approved by the board must also be filed with the board within 30 days of execution.

**(3) Approval required** - A state officer or employee must receive board approval before entering into, or obtaining a beneficial interest in, a contract or grant with a state agency only if the process for awarding the contract or grant was not open and competitive, or, whenever only one bid or application was received.

**(4) Application for approval** - State officers and employees seeking board approval for a contract, grant application, or outside employment with a state agency shall provide the following information to the executive director no later than thirty working days prior to the commencement of the contract:

- (a) a description of current official duties and responsibilities;
- (b) a statement of the work to be performed and, a copy of the contract;
- (c) the duration and dollar value of the contract, if applicable;
- (d) a statement that no state resources will be used to perform the outside employment or to

- fulfill the contract or grant;
- (e) a description of how the work will be performed without the use of state resources, and,
- (f) a statement that the employing agency has reviewed or approved the outside contract under applicable rules or policies, except when requesting a conditional approval as provided in paragraph (5)(b).

**(5) Approval process** - The executive director shall review the contract or grant application terms and related documents and may determine whether the proposed contract could conflict with RCW 42.52.120(1) or other applicable provisions of the Ethics in Public Service Act as noted in Section 2 above. If the executive director determines:

(a) there would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the executive director may approve the contract or grant application;

(b) there would be no potential conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW but the contract or grant has not been approved by the appointing authority pending a Board review, the executive director may conditionally approve the contract or grant application; or

(c) there could be a potential conflict under RCW 42.52.120(1) or other applicable provisions of the chapter 42.52 RCW, the executive director shall refer the contract or grant application to the board for approval or disapproval.

**(6) Contract amendments** - If a contract has been amended or the scope of work altered, and the effect of the amendment or alteration could create a conflict under RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW, the state officer or employee must resubmit the contract to the board at least fifteen working days prior to commencement of work under the amended or altered contract.

**(7) Series of similar contracts** - If a state officer or employee anticipates receiving a series of substantially identical contracts or grants with a state agency, they may request that the board pre-approve such contracts or grants. Pre-approval shall be effective for the period of one calendar year, after which the state officer or employee shall resubmit the request.

**(8) Exemptions, pre-approved contracts or grants** - An employee who has a contract or grant or a beneficial interest therein which is pre-approved by the board under this section is not required to file an application for approval of the contract. However, the employee is responsible for determining that the contract or grant would not conflict with RCW 42.52.120(1) or other applicable provisions of chapter 42.52 RCW. Provided that the applicable conditions in RCW 42.52.120(1) are met, the following contracts are approved by the Executive Ethics Board:

(a) a contract or grant whereby the state officer or state employee receives assistance through state programs or federal programs administered by the state when they are entitled to receive such assistance by law and on the same basis as similarly situated citizens, and when the officer or employee does not exercise discretionary judgment with regard to an assistance program for which he or she is otherwise eligible;

(b) a contract to perform teaching duties at a bona fide community college, vocational-technical school, or institution of higher learning, provided no state resources are used to perform

the duties; there is no conflict with the performance of official duties; and the state officer or state employee did not use his or her official position to influence the contract of employment;

(c) a contract held by a spouse, in which the officer or employee has a beneficial interest, with a state agency, provided that the officer or employee did not participate in the contract;

(d) a contract that was received by an officer or employee of an institution of higher education to provide expert witness services in state litigation provided no higher education resources are used to perform the duties; there is no conflict with the performance of official duties; and the officer or employee did not use his or her official position to influence the contract; and

(e) a contract or grant that was received by an officer or employee of an institution of higher education or of the Spokane intercollegiate research and technology institute under conditions that complied with RCW 42.52.030(2). At the request of the institution the board may advise the institution if a specific contract or grant would raise significant conflict of interest concerns under applicable provisions of chapter 42.52.RCW.

**(9) Filing required** - Final contracts approved under this rule shall be filed with the executive director within thirty (30) days of execution. An employee who is awarded a contract or grant pre-approved under section (8)(a)-(c) of this rule shall file a copy of the contract with the board.

**(10) Filing exemptions** - An officer or employee of an institution of higher education or of the Spokane intercollegiate research and technology institute who is awarded a contract or grant pre-approved under section (8)(d)-(e) of this rule is not required to file a copy of the contract or grant with the board. A copy of all expert witness contracts awarded under section (8)(d) of this rule shall be maintained by the office of the attorney general subject to review by Board staff. Those state institutions of higher education or the Spokane intercollegiate research and technology institute who award contracts or grants under RCW 42.52.030(2) shall maintain copies of all contracts or grants approved under section (8)(e) of this rule. In lieu of filing the contracts with the board, these institutions shall provide the board by September 1 of each year a brief summary of all such contracts or grants awarded in the previous fiscal year.

# **FAQ'S REGARDING THE USE** **OF STATE RESOURCES**

## **Use of State Resources - Frequently Asked Questions and Examples** **(As revised on November 8, 2002)**

These frequently asked questions are intended to provide examples of how the Board would interpret and apply RCW 42.52.160, RCW 42.52.180 and WAC 292-110-010 to common occurrences in the state workplace. The Board encourages state agencies to adopt policies applying these principles to their unique circumstances. In some instances state agencies have adopted policies that are more restrictive than the Board's rules. In addition to reviewing the Board's rules, state officers and employees should consult applicable agency policies.

**Question 1:** Are there general guidelines for the use of state resources?

**Answer:** Yes. All state officers and employees have a duty to ensure the proper stewardship of state resources, including funds, facilities, tools, property, employees and their time. Accordingly, the Ethics in Public Service Act states that resources under your official control may not be used for the private benefit or gain of a state officer, state employee, or another person. (See and RCW 42.52.160(1))

**Question 2:** What types of state resources are covered under the ethics law?

**Answer:** The guidelines on use of state resources apply to all resources **under an employee's control** including, but not limited to, facilities of an agency, state employees, computers, equipment, vehicles, and consumable resources. State resources also includes state information, e.g., databases, employee lists. (See RCW 42.52.160(1) and RCW 42.52.180(1))

**Question 3:** What exactly is a "private benefit or gain"?

**Answer:** A private benefit or gain can range from avoiding a cost or expense by the use to using resources to support your outside business or paying a discounted government rate for a personal phone call. There are some uses that do not appear to have a cost but may result in private benefit or gain. For example, it may not cost a significant amount of money to use a state computer to access the Internet. Nevertheless, by making a personal use of a resource available to you only because you are a state employee, you are receiving a private benefit or gain.

**Question 4:** I've heard that de minimis use is allowed. What is a *de minimis* use anyway?

**Answer:** A de minimis use is an infrequent or occasional use that results in little or no actual cost to the state. An occasional brief local phone call to make a medical or dental appointment is an allowable de minimis use of state resources. The cost of a brief phone call is negligible and is not likely to interfere with your job. The following examples address "de minimis" use: (See WAC 292-110-010(3))

**Example A:** An employee makes a telephone call or sends an e-mail message to his/her children to make sure that they have arrived home safely from school. This is not an ethical violation. So long as the call or e-mail is brief in duration, there is little or no cost to the state, i.e., your SCAN code is not used, and sending a brief message does not interfere with the performance of official duties.

**Example B:** An employee uses his/her agency computer to send electronic mail to another employee wishing them a happy birthday. This is not an ethical violation. The personal message is brief and does not interfere with the performance of official duties.

**Example C:** Every spring a group of employees meets during lunch to organize an agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is little or no cost to the state, the meeting does not interfere with the performance of official duties, and off site recreational activities such as softball teams can improve organizational effectiveness.

**Question 5:** What does “promoting organizational effectiveness” really mean?

**Answer:** Organizational effectiveness relates to an agency’s mission and encompasses activities that enhance or augment the agency’s ability to perform its mission. The Board recognizes that state agencies may allow employees to participate in activities that are not official state duties but promote organizational effectiveness by supporting a collegial work environment. The Board believes that so long as the employees who participate in the activity limit their use of state resources, then these activities would not undermine public confidence in state government. In addition, the Ethics Act normally prohibits the use of state resources to support outside organizations or groups, including charities, unless the support is part of the agency’s official duties. The Board’s rule allows agency heads to nevertheless approve a de minimis use of state resources for activity that promotes organizational effectiveness even if that activity may incidentally support a private organization. Agency heads are cautioned, however, that activity allowed under this rule may not involve a state agency’s endorsement or promotion of a commercial activity such as advertising or selling products. The following examples address “promoting organizational effectiveness.” (See WAC 292-110-010(3) and (6))

**Example A:** An agency determines that an agency wide retirement lunch will enhance organizational effectiveness. The retirement lunch will last a half hour longer than the normal one hour lunch break. An employee uses his or her office computer to compose a flyer about the lunch, send a few reminder e-mails, and collect for a retirement present. This is not an ethical violation. The use supports organizational effectiveness and was approved by the agency. Since most of the activity takes place outside of normal working hours, it will not interfere with the performance of each employee's official duties. In addition, the employees use of the office computer and printer will result in little or no cost to the state.

**Example B:** An agency decides that attending a specific sporting event or going to a local amusement park as a group will promote organizational effectiveness. In order to organize the event the agency uses a very limited amount of state paid time and agency resources to send one email notifying employees of the event and to post flyers and discount coupons in a break room so that employees who attend can take advantage of the discounts available. The flyers and coupons promote a commercial organization, such as a local amusement park, or promote a specific event, such as a state employee appreciation day at a sporting event. This is not an ethical violation. Attending the sporting event or going to an amusement park may improve employee morale, which supports organizational effectiveness. The agency approved this very limited use of resources and the activity falls within the de minimis use guidelines.

**Example C:** An agency decides that attending a specific sporting event or going to a local amusement park as a group will promote organizational effectiveness. The agency uses state paid time and agency resources to distribute multiple flyers or multiple discount coupons to all agency employees. The flyers and coupons promote a commercial organization, such as a local amusement park, or promote a specific event, such as a state employee appreciation day at a sporting event. This is an ethical violation. While attending the sporting event or going to the amusement park may improve employee morale, the use of state resources exceeds the de minimis use guidelines. When there is no statutory authority for the use of state resources to support a private commercial product or organization, the extensive use of state resources for that activity undermines public confidence in state government.

**Question 6:** Are there any uses of state resources that are prohibited?

**Answer:** Yes. The allowance for de minimis use does not apply to the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; lobbying that is unrelated to official duties; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities. The following examples address prohibited uses. (See WAC 292-110-010(6))

**Example A:** An employee operates an outside business. She makes an outside business call on her state telephone. The call is local. This is an ethical violation. The employee is conducting a private business on state time using state resources, which is prohibited under WAC 292-110-010(6).

**Example B:** An employee puts a state telephone number or work address on business cards or letterhead for his/her outside business. Several customers contact the employee at the office number to conduct the outside business. This is an ethical violation. Although the use of the telephone may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

**Example C:** After working hours, an employee uses the office computer and printer to prepare client billings for a private business using his/her own paper. This is an ethical violation. Although use of the office computer and printer may result in a

negligible cost to the state, conducting a private business is an illegal use of state resources.

**Example D:** One night an employee takes an agency owned video player home to watch videos of his/her family vacation. This is an ethical violation. Although there is little or no cost to the state, an employee may not make private use of state equipment removed from state facilities or other official duty station.

**Example E:** An employee is assigned to do temporary work in another city away from his/her usual duty station. To perform official duties the employee takes an agency laptop computer. While away, the employee uses the computer to do tax work for a private client. This is an ethical violation. Although use of the laptop may result in a negligible cost to the state, conducting a private business is an inappropriate use of state resources.

**Question 7:** Can I play games on my computer during lunch and break times?

**Answer:** Generally No. When employees download games or load interactive games onto state owned computers, the game play often involves several state employees or can undermine the security of state information and databases. In addition, the computer at your workstation remains a state resource regardless of whether you are working or on a break. Nevertheless, subject to your agency's prior approval a brief and occasional personal use, during lunch or break times, of a game that was preloaded by the manufacturer on your state computer would be allowed under the de minimis rule. (See WAC 292-110-010(3))

**Question 8:** If I use a state resource, can't I just reimburse my agency for the use?

**Answer:** No. Reimbursing for a personal use may result in a personal benefit and may impose significant administrative burdens on the state. For example, the price of a SCAN call is less than you would pay using your local telephone company. Reimbursing also creates the misperception that personal use is ok as long as we pay for it. Personal use should be the exception not the rule. (See WAC 292-110-010(7))

## **E-Mail and Internet Use**

**Question 9:** Can I send a personal e-mail message without violating the ethics law?

**Answer:** Yes. The general ethics standard is that any use of a state resource other than for official state business purposes needs to be brief in duration and frequency to ensure there is little or no cost to the state and the use does not interfere with the performance of official duties. Extensive personal use of state provided e-mail is not permitted. (See WAC 292-110-010(4))

**Question 10:** Are my e-mail or voice messages private?

**Answer:** No, if you use state equipment do not expect a right to privacy for any of your e-mail or voicemail communications. E-mail and voicemail communications may be considered public records and could be subject to disclosure. Aside from disclosure, employees should consider that e-mail communications are subject to alteration and may be forwarded to unintended recipients. Avoid these potential problems by treating e-mail communications as another form of business correspondence. (See WAC 292-110-010(5))

**Question 11:** Are there any restrictions on e-mail communications?

**Answer:** Yes. E-mail messages cannot be for any of the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities, such as harassment. In addition, broadly distributing or chain-mailing an e-mail that is not related to official business is prohibited because it disrupts other state employees and obligates them to make a personal use of state resources. (See WAC 292-110-010(6))

**Question 12:** What are the guidelines on Internet use?

**Answer:** Just like the guidelines for e-mail discussed above, any personal use of state provided Internet access must be both brief and infrequent. Extensive personal use of state provided Internet access is not permitted. In addition, your agency must have adopted a policy that specifically permits personal use of the Internet. (See WAC 292-110-010(4)) The following examples address uses of the Internet:

**Example A:** Several times a month an employee quickly uses the Internet to check his or her children's school website to confirm if the school will end early that day. The transaction takes about five minutes. This is not an ethical violation. The use is brief and infrequent, there is little or no cost to the state, and the use does not interfere with the performance of official duties.

**Example B:** An employee routinely uses the Internet to manage her personal investment portfolio and communicate information to her broker. This is an ethical violation. Using state resources to monitor private stock investments or make stock trades, are private activities that can result in a private financial benefit or gain. Allowing even an occasional or limited use of state facilities to facilitate a private financial gain undermines public confidence in state government.

**Example C:** An employee spends thirty to forty minutes looking at various web sites related to a personal interest. This is an ethical violation. The use is not brief and can interfere with the performance of state duties.

**Example D:** An employee visits several humor and joke sites. While at a site, he/she downloads a joke file and e-mails it to several co-workers. This is an ethical

violation. By e-mailing a file to co-workers the employee disrupts other state employees and obligates them to make a personal use of state resources. In addition, downloading files and distributing them to co-workers can introduce a computer virus, which can compromise state databases.

**Question 13:** What do I do if I access the wrong Internet site?

**Answer:** Don't panic! The best thing to do is to back out of the site and remember what it was that got you there and don't go back. Everyone makes this kind of mistake. It is also advisable to contact your supervisor or information systems staff to notify them of your mistake.

## Use of State or Resources to Support Charities

**Question 14:** Can I use state resources to support charities?

**Answer:** The limited use of state resources to support charities may be allowed if an agency head or his/her designee, approves the activity as one that promotes organizational effectiveness. Approval may be in the form of a specific policy that establishes guidelines for limited use of state resources. (See WAC 292-110-010(3))

**Question 15:** Can you give me examples of limited uses that might be ok?

**Answer:** Yes. Sending an e-mail to notify employees of a blood drive would be a limited and acceptable use of state resources. Another example might be a bake sale to support an Adopt-A-Family Program. Here, the baking would be performed at home and after working hours. The baked goods are then displayed for purchase during break times and the lunch hour. When gifts are purchased for the family, the purchases are made after working hours.

**Question 16:** Is there anything employees shouldn't do while conducting charity work on state time?

**Answer:** Any use of state resources that results in an expenditure of funds should be avoided. Consider this scenario: a group of employees spend 6 working hours of staff time a week for over a four-week period to plan a charitable fund-raiser, and use the computer, fax, and copier to produce fund-raising materials. This is an expenditure of state funds that would not be considered a de minimis or limited use of state resources. In addition, state resources may not be used for the benefit of any other person, whether or not operated for profit, unless the use is within the course of official duties. The following example addresses another area of concern. (See WAC 292-110-010(3))

**Example:** An employee is active in a local PTA organization that holds fund-raising events to send children to the nation's capital. Although a parental payment of expenses for the trip is expected, the more raised through individual contributions, the

less the parent must pay. The employee uses agency e-mail to solicit contributions to the fund-raiser from a broad distribution list of co-workers. The e-mail asks each recipient to pass along the e-mail to other state employees. This is an ethical violation. The employee is using state resources to promote an outside organization and a private interest. By sending the e-mail to other state employees and asking state employees to pass the solicitation along, the employee is asking other state employees to improperly use state resources in a manner that interferes with the performance of official duties.

**Question 17:** What about the Combined Fund Drive?

**Answer:** The Combined Fund Drive is somewhat different than other independent charitable organizations because it has been established by the state legislature. Therefore, it is part of the official duties of those employees who are assigned by the agency to conduct the Drive. Fund Drive coordinators should confine the time and effort spent conducting the drive to agency guidelines. (See WAC 292-110-010(2) and EEB Advisory Opinion 00-09)

**Question 18:** What about the employees who are not officially assigned to conduct the Combined Fund Drive?

**Answer:** As noted above with charitable groups, the use of state resources to support the Combined Fund Drive charities should be reasonable, involve little or no cost the agency, and should not disrupt the conduct of official business in state offices. (See WAC 292-110-010(3) and EEB Advisory Opinion 96-11)

**Question 19:** How about agency participation in commercial activity that benefits the Combined Fund Drive?

**Answer:** State agencies should avoid direct involvement in commercial activity even if the proceeds may benefit the Combined Fund Drive. Examples of improper direct involvement include distributing commercial product sales brochures and order forms to agency employees, collecting product order forms in the workplace or on state paid time, and distributing products in the workplace or on state paid time. Activities permitted under the de minimis rule, such as those described in the answer to Question 15, should not involve commercial activities. (See WAC 292-110-010(6))

# Solicitations by State Employees on Behalf of Charitable Organizations

The solicitation of goods and services from private companies is addressed under several provisions of the Ethics in Public Service Act. In addition to interpreting and applying the use of state resources provisions, this section of the FAQ's are intended to provide examples of how the Board would interpret and apply RCW 42.52.070, 42.52.140, and 42.52.150 to common occurrences in the state workplace.

**Question 20:** Can agency employees solicit donations for charitable events from outside businesses?

**Answer:** The state's ethics law contains a very strong presumption against solicitation by any state officer or state employee for any purpose, including charitable events. Solicitation by state employees can create the appearance that a donation might result in favorable treatment from the state, whereas a failure to donate might result in unfavorable treatment. A state officer or state employee whose official duties include regulation or the contracting for goods and services needs to be especially careful about solicitation. Accordingly, State officers and employees may not use their official state positions to solicit goods and services from private organizations and businesses. The following examples address solicitation on behalf of charitable organizations. (See RCW 42.52.070, RCW 42.52.140 and RCW 42.52.150(4))

**Example A:** The head of a state agency purchasing office sends a letter requesting gifts or donations for use at a CFD kick off luncheon to several vendors who provide goods and services to the agency. This is an ethical violation. While the purchasing supervisor will not personally benefit from the gifts, the CFD charities and the gift recipients would benefit from them. In addition, it would be reasonably expected that vendors who respond favorably to the solicitation did so with the intent to influence the vote, action, or judgment of the purchasing supervisor. (See RCW 42.52.070 and RCW 42.52.140)

**Example B:** The head of a state agency sends a letter to local businesses, including several vendors who provide goods and services to the agency, requesting gifts or donations for a use that will benefit agency employees and a private charity. This is an ethical violation. While the agency head will not personally benefit from the gifts, the private charity would benefit from them. In addition, it would be reasonably expected that vendors who respond favorably to the solicitation did so with the intent to influence the vote, action, or judgment of the agency head. This expectation in the vendors would be true even if the agency head did not routinely participate in such decisions. (See RCW 42.52.070 and RCW 42.52.140)

**Example C:** On their lunch break a group of agency employees who work for an agency that regulates or administers benefits for private business, but who are not personally involved in regulating or administering benefits for their agency, solicit

holiday gifts on behalf of a family sponsored by Adopt-a-Family. When soliciting the gifts they voluntarily inform the businesses that they are employed by their state agency but are soliciting on behalf of the sponsored family or Adopt-a-Family. This is an ethical violation. By stating that they are employed by an agency that regulates or administers benefits for the private businesses they are using their state positions to influence the private businesses and support the private charity. (See RCW 42.52.070)

**Example D:** On their lunch break or after work a group of agency employees who are involved in regulating or contracting on behalf of their agency solicit holiday gifts on behalf of a family sponsored by Adopt-a-Family. They do not solicit from agency vendors or other individuals with whom they conduct state business. When soliciting the gifts they tell the businesses that they are soliciting on behalf of the sponsored family or Adopt-a-Family. This is not an ethical violation. By soliciting on behalf of the private charity and not a state agency they are not using their state positions to influence the private businesses. In addition, the employees are not using state paid time or resources for the solicitation.

**Example E:** After work or on the weekend a group of state employees solicit holiday gifts on behalf of a family sponsored by Adopt-a-Family or their local private school. They solicit door to door in their neighborhood and do not solicit from agency vendors or other individuals with whom they conduct state business. When soliciting the gifts they indicate that they are soliciting on behalf of the private school, the sponsored family, or Adopt-a-Family. This is not an ethical violation. The employees are not using their state positions to influence the private businesses and are not using state resources to support the private charities.

**Question 21:** Are there any other considerations we should take into account when conducting charitable solicitations?

**Answer:** Yes, avoid direct personal solicitations of your co-workers and colleagues and opt for voluntary participation. Managers and supervisors should always avoid direct personal solicitations of employees who work under their supervision. In this way, employees avoid creating a situation in which others feel pressured to give or perceive the risk of an unfavorable job action if they fail to give. Please remember that our valuable dedication to helping others sometimes obscures the fact that those we ask to give may not be able to give or may choose to give to other charities.

**Question 22:** If we can't solicit, then what should we do?

**Answer:** A state employee may purchase a gift certificate or other item for its fair market value and donate the item to an agency-sponsored charitable event.

Approved by the Executive Ethics Board, this 8th day of November 2002.

## **CHAPTER 42.52 RCW**

## **Chapter 42.52 RCW ETHICS IN PUBLIC SERVICE**

### **RCW SECTIONS**

- [42.52.010](#) Definitions.
- [42.52.020](#) Activities incompatible with public duties.
- [42.52.030](#) Financial interests in transactions.
- [42.52.040](#) Assisting in transactions.
- [42.52.050](#) Confidential information -- Improperly concealed records.
- [42.52.060](#) Testimony of state officers and state employees.
- [42.52.070](#) Special privileges.
- [42.52.080](#) Employment after public service.
- [42.52.090](#) Limited assistance by former state officers and employees.
- [42.52.100](#) Conditions on appearance before state agencies or doing business with the state -- Hearing -- Judicial review.
- [42.52.110](#) Compensation for official duties or nonperformance.
- [42.52.120](#) Compensation for outside activities.
- [42.52.130](#) Honoraria.
- [42.52.140](#) Gifts.
- [42.52.150](#) Limitations on gifts.
- [42.52.160](#) Use of persons, money, or property for private gain.
- [42.52.170](#) Giving, paying, loaning, etc., any thing of economic value to state employee.
- [42.52.180](#) Use of public resources for political campaigns.
- [42.52.185](#) Restrictions on mailings by legislators.
- [42.52.190](#) Investments.
- [42.52.200](#) Agency rules.
- [42.52.310](#) Legislative ethics board.
- [42.52.320](#) Authority of legislative ethics board.
- [42.52.330](#) Interpretation.
- [42.52.340](#) Transfer of jurisdiction.
- [42.52.350](#) Executive ethics board.
- [42.52.360](#) Authority of executive ethics board.
- [42.52.370](#) Authority of commission on judicial conduct.
- [42.52.380](#) Political activities of board members.
- [42.52.390](#) Hearing and subpoena authority.

[42.52.400](#) Enforcement of subpoena authority.

[42.52.410](#) Filing complaint.

[42.52.420](#) Investigation.

[42.52.425](#) Dismissal of complaint.

[42.52.430](#) Public hearing -- Findings.

[42.52.440](#) Review of order.

[42.52.450](#) Complaint against legislator or statewide elected official.

[42.52.460](#) Citizen actions.

[42.52.470](#) Referral for enforcement.

[42.52.480](#) Action by boards.

[42.52.490](#) Action by attorney general.

[42.52.500](#) Optional hearings by administrative law judge.

[42.52.510](#) Rescission of state action.

[42.52.520](#) Disciplinary action.

[42.52.530](#) Additional investigative authority.

[42.52.540](#) Limitations period.

[42.52.550](#) Compensation of ethics boards.

[42.52.800](#) Exemptions -- Solicitation for state capitol historic furnishings and preservation and restoration of state legislative building.

[42.52.801](#) Exemption -- Solicitation to promote tourism.

[42.52.802](#) Exemption -- Solicitation for oral history, state library, and archives account.

[42.52.810](#) Solicitation for the legislative international trade account -- Report.

[42.52.820](#) Solicitation for hosting national legislative association conference.

[42.52.900](#) Legislative declaration.

[42.52.901](#) Liberal construction.

[42.52.902](#) Parts and captions not law -- 1994 c 154.

[42.52.903](#) Serving on board, committee, or commission not prevented.

[42.52.904](#) Effective date -- 1994 c 154.

[42.52.905](#) Severability -- 1994 c 154.

## **RCW 42.52.010**

### **Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are parts of state government.

(2) "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee, or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.

(3) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

(4) "Beneficial interest" has the meaning ascribed to it under the Washington case law. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(5) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

(6) "Confidential information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

(7) "Contract" or "grant" means an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes, but is not limited to, an employment contract, a lease, a license, a purchase agreement, or a sales agreement.

(8) "Ethics boards" means the commission on judicial conduct, the legislative ethics board, and the executive ethics board.

(9) "Family" has the same meaning as "immediate family" in RCW 42.17.020.

(10) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

(a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

(c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(e) Items a state officer or state employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;

(h) Campaign contributions reported under chapter 42.17 RCW;

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and

(j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

(11) "Honorarium" means money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role.

(12) "Official duty" means those duties within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency or by statute or the state Constitution.

(13) "Participate" means to participate in state action or a proceeding personally and substantially as a state officer or state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise but does not include preparation, consideration, or enactment of legislation or the performance of legislative duties.

(14) "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

(15) "Regulatory agency" means any state board, commission, department, or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.

(16) "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.

(17) "State action" means any action on the part of an agency, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(18) "State officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. "State officer" includes judges of the superior court, judges of the court of appeals, justices of the supreme court, members of the legislature together with the secretary of the senate and the chief clerk of the house of representatives, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

(19) "State employee" means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

(20) "Thing of economic value," in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(21)(a) "Transaction involving the state" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

(i) Is, or will be, the subject of state action; or

(ii) Is one to which the state is or will be a party; or

(iii) Is one in which the state has a direct and substantial proprietary interest.

(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar

matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit.

[1998 c 7 § 1; 1996 c 213 § 1; 1994 c 154 § 101.]

#### **RCW 42.52.020**

##### **Activities incompatible with public duties.**

No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

[1996 c 213 § 2; 1994 c 154 § 102.]

#### **RCW 42.52.030**

##### **Financial interests in transactions.**

(1) No state officer or state employee, except as provided in subsections (2) and (3) of this section, may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

(2) No officer or employee of an institution of higher education or of the Spokane intercollegiate research and technology institute, except as provided in subsection (3) of this section, may be beneficially interested, directly or indirectly, in a contract or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract or grant, unless the institution of higher education or the Spokane intercollegiate research and technology institute has in effect a written administrative process to identify and manage, reduce, or eliminate conflicting interests with respect to such transactions as adopted pursuant to the national science investigator financial disclosure (GPM 510) 1995 and the public health service regulations, 42 C.F.R. Part 50 and 45 C.F.R. Subtitle A as each of those regulations existed on June 6, 1996, and the state employee or state officer has complied with such policy.

(3) No state officer or state employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a beneficial interest, except that an officer or employee of an institution of higher education or the Spokane intercollegiate research and technology institute may serve as an officer, agent, employee, or member, or on the board of directors, board of trustees, advisory board, or committee or review panel for any nonprofit institute, foundation, or fundraising entity; and may serve as a member of an advisory board, committee, or review panel for a governmental or other nonprofit entity.

[1996 c 213 § 3; 1994 c 154 § 103.]

**RCW 42.52.040****Assisting in transactions.**

(1) Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state:

(a) In which the state officer or state employee has at any time participated; or

(b) If the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.

(2) No state officer or state employee may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (1) or (3) of this section.

(3) A business entity of which a state officer or state employee is a partner, managing officer, or employee shall not assist another person in a transaction involving the state if the state officer or state employee is prohibited from doing so by subsection (1) of this section.

(4) This chapter does not prevent a state officer or state employee from assisting, in a transaction involving the state:

(a) The state officer's or state employee's parent, spouse, or child, or a child thereof for whom the officer or employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the state officer or state employee did not participate in the transaction; or

(b) Another state employee involved in disciplinary or other personnel administration proceedings.

[1994 c 154 § 104.]

**RCW 42.52.050****Confidential information -- Improperly concealed records.**

(1) No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or employee by reason of the official's or employee's official position.

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

(4) No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith.

[1996 c 213 § 4; 1994 c 154 § 105.]

#### **RCW 42.52.060**

##### **Testimony of state officers and state employees.**

This chapter does not prevent a state officer or state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt.

[1994 c 154 § 106.]

#### **RCW 42.52.070**

##### **Special privileges.**

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

[1994 c 154 § 107.]

#### **RCW 42.52.080**

##### **Employment after public service.**

(1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in RCW [42.52.010](#) or any other entity or business that the person owns or in which the person has a controlling interest. For purposes of subsection (1) of this section, the term "employer" does not include a successor organization to the rural development council under chapter 43.31 RCW.

[1999 c 299 § 3; 1994 c 154 § 108.]

#### **RCW 42.52.090**

##### **Limited assistance by former state officers and employees.**

This chapter shall not be construed to prevent a former state officer or state employee from rendering assistance to others if the assistance is provided without compensation in any form and is limited to one or more of the following:

(1) Providing the names, addresses, and telephone numbers of state agencies or state employees;

(2) Providing free transportation to another for the purpose of conducting business with a state agency;

(3) Assisting a natural person or nonprofit corporation in obtaining or completing application forms or other forms required by a state agency for the conduct of a state business; or

(4) Providing assistance to the poor and infirm.

[1994 c 154 § 109.]

#### **RCW 42.52.100**

##### **Conditions on appearance before state agencies or doing business with the state -- Hearing -- Judicial review.**

(1) The head of an agency, upon finding that any former state officer or state employee of such agency or any other person has violated any provision of this chapter or rules adopted under it, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

(a) The appearance before such agency of such former state officer or state employee or other person; and

(b) The conduct of, or negotiation or competition for, business with such agency by such former state officer or state employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this chapter.

(2) Findings of violations referred to in subsection (1)(b) of this section shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW. Such findings and orders are subject to judicial review.

(3) This section does not apply to the legislative or judicial branches of government.

[1994 c 154 § 110; 1969 ex.s. c 234 § 27. Formerly RCW 42.18.270.]

#### **RCW 42.52.110**

##### **Compensation for official duties or nonperformance.**

No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law except: (1) The state of Washington; or (2) in the case of officers or employees of institutions of higher education or of the Spokane intercollegiate research and technology institute, a governmental entity, an agency or instrumentality of a governmental entity, or a nonprofit corporation organized for the benefit and support of the state employee's agency or other state agencies pursuant to an agreement with the state employee's agency.

[1996 c 213 § 5; 1994 c 154 § 111.]

#### **RCW 42.52.120**

##### **Compensation for outside activities.**

(1) No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties. The prohibition in this subsection does not apply where the state officer or state employee has complied with RCW [42.52.030](#)(2) or each of the following conditions are met:

(a) The contract or grant is bona fide and actually performed;

(b) The performance or administration of the contract or grant is not within the course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision;

(c) The performance of the contract or grant is not prohibited by RCW [42.52.040](#) or by applicable laws or rules governing outside employment for the officer or employee;

(d) The contract or grant is neither performed for nor compensated by any person from whom such officer or employee would be prohibited by RCW [42.52.150](#)(4) from receiving a gift;

(e) The contract or grant is not one expressly created or authorized by the officer or employee in his or her official capacity;

(f) The contract or grant would not require unauthorized disclosure of confidential information.

(2) In addition to satisfying the requirements of subsection (1) of this section, a state officer or state employee may have a beneficial interest in a grant or contract or a series of substantially identical contracts or grants with a state agency only if:

(a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or

(b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the officer's or employee's bid or proposal was the only bid or proposal received and the officer or employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties; or

(c) The process for awarding the contract or issuing the grant is not open and competitive, but the officer or employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties.

(3) A state officer or state employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the appropriate ethics board within thirty days after the date of execution; however, if proprietary formulae, designs, drawings, or research are included in the contract or grant, the proprietary formulae, designs, drawings, or research may be deleted from the contract or grant filed with the appropriate ethics board.

(4) This section does not prevent a state officer or state employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the officer's or employee's agency. This section does not prohibit a state officer or state employee from serving or performing any duties under an employment contract with a governmental entity.

(5) As used in this section, "officer" and "employee" do not include officers and employees who, in accordance with the terms of their employment or appointment, are serving without compensation from the state of Washington or are receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses.

[1997 c 318 § 1; 1996 c 213 § 6; 1994 c 154 § 112.]

### **RCW 42.52.130**

#### **Honoraria.**

(1) No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or state employee.

(2) An agency may not permit honoraria under the following circumstances:

(a) The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the employer of the state officer or state employee, and the officer or employee is in a position to participate in the terms or the award of the contract or grant;

(b) The person offering the honorarium is regulated by the employer of the state officer or state employee and the officer or employee is in a position to participate in the regulation; or

(c) The person offering the honorarium (i) is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the state officer's or state employee's agency; and (ii) the officer or employee may participate in the enactment or adoption.

[1994 c 154 § 113.]

### **RCW 42.52.140**

#### **Gifts.**

No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

[1994 c 154 § 114.]

### **RCW 42.52.150**

#### **Limitations on gifts.**

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW [42.52.010](#), whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW [42.52.010](#). The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW [42.52.140](#), and may be accepted without regard to the limit established by subsection (1) of this section:

- (a) Unsolicited flowers, plants, and floral arrangements;
- (b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in RCW 44.04.270;
- (h) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for the purpose of promoting the expansion of tourism as provided for in RCW 43.330.090;
- (i) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, solicited on behalf of a national legislative association or host committee for the purpose of hosting an official conference under the circumstances specified in RCW [42.52.820](#). Anything solicited or accepted may only be received by the national association or host committee and may not be commingled with any funds or accounts that are the property of any person;
- (j) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- (k) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

- (a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- (g) Those items excluded from the definition of gift in RCW [42.52.010](#) except:
  - (i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
  - (ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and
  - (iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW.

[2003 1st sp.s. c 23 § 2. Prior: 2003 c 265 § 3; 2003 c 153 § 6; 1998 c 7 § 2; 1994 c 154 § 115.]

## **NOTES:**

**Findings -- 2003 c 153:** See note following RCW 43.330.090.

## **RCW 42.52.160**

### **Use of persons, money, or property for private gain.**

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

(3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

[1996 c 213 § 7; 1994 c 154 § 116; 1987 c 426 § 3. Formerly RCW 42.18.217.]

#### **RCW 42.52.170**

##### **Giving, paying, loaning, etc., any thing of economic value to state employee.**

No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of RCW [42.52.040](#), [42.52.110](#), [42.52.120](#), [42.52.140](#), or [42.52.150](#).

[1994 c 154 § 117; 1987 c 426 § 5; 1969 ex.s. c 234 § 23. Formerly RCW 42.18.230.]

#### **RCW 42.52.180**

##### **Use of public resources for political campaigns.**

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; and

(d) De minimis use of public facilities by statewide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal

communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130.

[1995 c 397 § 30; 1994 c 154 § 118.]

#### **NOTES:**

**Effective date -- Captions -- Severability -- 1995 c 397:** See RCW 42.17.960 through 42.17.962.

#### **RCW 42.52.185**

##### **Restrictions on mailings by legislators.**

(1) During the twelve-month period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through November 30th immediately after the general election, the legislator may not mail, either by regular mail or electronic mail, to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except as follows:

(a) The legislator may mail two mailings of newsletters to constituents. All newsletters within each mailing of newsletters must be identical as to their content but not as to the constituent name or address. One such mailing may be mailed no later than thirty days after the start of a regular legislative session, except that a legislator appointed during a regular legislative session to fill a vacant seat may have up to thirty days from the date of appointment to send out the first mailing. The other mailing may be mailed no later than sixty days after the end of a regular legislative session.

(b) The legislator may mail an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (ii) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter; or (iii) an individual constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including, but not limited to: (A) An international or national award such as the Nobel prize or the Pulitzer prize; (B) a state award such as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of Honor.

(2) For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17.020, for any public office.

(3) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW [42.52.180](#).

(4) The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings. Those costs include, but are not limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total.

(5) For purposes of this section, persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents.

[1997 c 320 § 1; 1995 c 397 § 5; 1993 c 2 § 25 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.132.]

## **RCW 42.52.190**

### **Investments.**

(1) Except for permissible investments as defined in this section, no state officer or state employee of any agency responsible for the investment of funds, who acts in a decision-making, advisory, or policy-influencing capacity with respect to investments, may have a direct or indirect interest in any property, security, equity, or debt instrument of a person, without prior written approval of the agency.

(2) Agencies responsible for the investment of funds shall adopt policies governing approval of investments and establishing criteria to be considered in the approval process. Criteria shall include the relationship between the proposed investment and investments held or under consideration by the state, the size and timing of the proposed investment, access by the state officer or state employee to nonpublic information relative to the proposed investment, and the availability of the investment in the public market. Agencies responsible for the investment of funds also shall adopt policies consistent with this chapter governing use by their officers and employees of financial information acquired by virtue of their state positions. A violation of such policies adopted to implement this subsection shall constitute a violation of this chapter.

(3) As used in this section, "permissible investments" means any mutual fund, deposit account, certificate of deposit, or money market fund maintained with a bank, broker, or other financial institution, a security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less, or an interest in real estate, except if the real estate interest is in or with a party in whom the agency holds an investment.

[1994 c 154 § 119.]

## **RCW 42.52.200**

### **Agency rules.**

(1) Each agency may adopt rules consistent with law, for use within the agency to protect against violations of this chapter.

(2) Each agency proposing to adopt rules under this section shall forward the rules to the appropriate ethics board before they may take effect. The board may submit comments to the agency regarding the proposed rules.

[1994 c 154 § 120.]

**RCW 42.52.310****Legislative ethics board.**

(1) The legislative ethics board is created, composed of nine members, selected as follows:

(a) Two senators, one from each of the two largest caucuses, appointed by the president of the senate;

(b) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(c) Five citizen members:

(i) One citizen member chosen by the governor from a list of three individuals submitted by each of the four legislative caucuses; and

(ii) One citizen member selected by three of the four other citizen members of the legislative ethics board.

(2) Except for initial members and members completing partial terms, nonlegislative members shall serve a single five-year term.

(3) No more than three of the public members may be identified with the same political party.

(4) Terms of initial nonlegislative board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed for a five-year term.

(5) A vacancy on the board shall be filled in the same manner as the original appointment.

(6) Legislative members shall serve two-year terms, from January 31st of an odd-numbered year until January 31st of the next odd-numbered year.

(7) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

(8) The citizen members shall annually select a chair from among themselves.

[1994 c 154 § 201.]

**RCW 42.52.320****Authority of legislative ethics board.**

(1) The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.

(2) The legislative ethics board shall:

(a) Develop educational materials and training with regard to legislative ethics for legislators and legislative employees;

(b) Issue advisory opinions;

(c) Adopt rules or policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW [42.52.180](#) and where otherwise authorized under chapter 154, Laws of 1994;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend suspension or removal to the appropriate legislative entity, or recommend prosecution to the appropriate authority; and

(g) Establish criteria regarding the levels of civil penalties appropriate for different types of violations of this chapter and rules adopted under it.

(3) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) Subject to RCW [42.52.540](#), the board has jurisdiction over any alleged violation that occurred before January 1, 1995, and that was within the jurisdiction of any of the boards established under \*chapter 44.60 RCW. The board's jurisdiction with respect to any such alleged violation shall be based on the statutes and rules in effect at [the] time of the violation.

[1994 c 154 § 202.]

#### **NOTES:**

**\*Reviser's note:** Chapter 44.60 RCW was repealed by 1994 c 154 § 304, effective January 1, 1995.

#### **RCW 42.52.330 Interpretation.**

By constitutional design, the legislature consists of citizen-legislators who bring to bear on the legislative process their individual experience and expertise. The provisions of this chapter shall be interpreted in light of this constitutional principle.

[1994 c 154 § 203.]

**RCW 42.52.340****Transfer of jurisdiction.**

On January 1, 1995, any complaints or other matters under investigation or consideration by the boards of legislative ethics in the house of representatives and the senate operating pursuant to \*chapter 44.60 RCW shall be transferred to the legislative ethics board created by RCW [42.52.310](#). All files, including but not limited to minutes of meetings, investigative files, records of proceedings, exhibits, and expense records, shall be transferred to the legislative ethics board created in RCW [42.52.310](#) pursuant to their direction and the legislative ethics board created in RCW [42.52.310](#) shall assume full jurisdiction over all pending complaints, investigations, and proceedings.

[1994 c 154 § 204.]

**NOTES:**

**\*Reviser's note:** Chapter 44.60 RCW was repealed by 1994 c 154 § 304, effective January 1, 1995.

**RCW 42.52.350****Executive ethics board.**

(1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

- (a) One member shall be a classified service employee as defined in chapter 41.06 RCW;
  - (b) One member shall be a state officer or state employee in an exempt position;
  - (c) One member shall be a citizen selected from a list of three names submitted by the attorney general;
  - (d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and
  - (e) One member shall be a citizen selected at large by the governor.
- (2) Except for initial members and members completing partial terms, members shall serve a single five-year term.
- (3) No more than three members may be identified with the same political party.
- (4) Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.
- (5) A vacancy on the board shall be filled in the same manner as the original appointment.
- (6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

(7) The members shall annually select a chair from among themselves.

(8) Staff shall be provided by the office of the attorney general.

[1994 c 154 § 205.]

#### **RCW 42.52.360**

##### **Authority of executive ethics board.**

(1) The executive ethics board shall enforce this chapter and rules adopted under it with respect to statewide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

(2) The executive ethics board shall:

(a) Develop educational materials and training;

(b) Adopt rules and policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW [42.52.180](#) and where otherwise authorized under chapter 154, Laws of 1994;

(c) Issue advisory opinions;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend to the appropriate authorities suspension, removal from position, prosecution, or other appropriate remedy; and

(g) Establish criteria regarding the levels of civil penalties appropriate for violations of this chapter and rules adopted under it.

(3) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) The executive ethics board may review and approve agency policies as provided for in this chapter.

(5) This section does not apply to state officers and state employees of the judicial branch.

[1994 c 154 § 206.]

**RCW 42.52.370****Authority of commission on judicial conduct.**

The commission on judicial conduct shall enforce this chapter and rules adopted under it with respect to state officers and employees of the judicial branch and may do so according to procedures prescribed in Article IV, section 31 of the state Constitution. In addition to the sanctions authorized in Article IV, section 31 of the state Constitution, the commission may impose sanctions authorized by this chapter.

[1994 c 154 § 207.]

**RCW 42.52.380****Political activities of board members.**

(1) No member of the executive ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in chapter 42.17 RCW other than the position of precinct committeeperson; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any state candidate or state ballot measure; or (d) lobby or control, direct, or assist a lobbyist except that such member may appear before any committee of the legislature on matters pertaining to this chapter.

(2) No citizen member of the legislative ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in chapter 42.17 RCW, other than the position of precinct committeeperson; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any legislative candidate, any legislative caucus campaign committee that supports or opposes legislative candidates, or any political action committee that supports or opposes legislative candidates; or (d) engage in lobbying in the legislative branch under circumstances not exempt, under RCW 42.17.160, from lobbyist registration and reporting.

(3) No citizen member of the legislative ethics board may hold or campaign for a seat in the state house of representatives or the state senate within two years of serving on the board if the citizen member opposes an incumbent who has been the respondent in a complaint before the board.

[1997 c 11 § 1; 1994 c 154 § 208.]

**RCW 42.52.390****Hearing and subpoena authority.**

Except as otherwise provided by law, the ethics boards may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of a person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the ethics board. The ethics board may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations, and other process or papers of the ethics board.

[1994 c 154 § 209.]

**RCW 42.52.400****Enforcement of subpoena authority.**

In case of refusal to obey a subpoena issued to a person, the superior court of a county within the jurisdiction of which the investigation, proceeding, or hearing under this chapter is carried on or within the jurisdiction of which the person refusing to obey is found or resides or transacts business, upon application by the appropriate ethics board shall have jurisdiction to issue to the person an order requiring the person to appear before the ethics board or its member to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question. Failure to obey such order of the court may be punished by the court as contempt.

[1994 c 154 § 210.]

**RCW 42.52.410****Filing complaint.**

(1) A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board.

(2) If it has reason to believe that any person has been engaged or is engaging in a violation of this chapter or rules adopted under it, an ethics board may issue a complaint.

[1994 c 154 § 211.]

**RCW 42.52.420****Investigation.**

(1) After the filing of any complaint, except as provided in RCW [42.52.450](#), the staff of the appropriate ethics board shall investigate the complaint. The investigation shall be limited to the allegations contained in the complaint.

(2) The results of the investigation shall be reduced to writing and the staff shall either make a determination that the complaint should be dismissed pursuant to RCW [42.52.425](#), or recommend to the board that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed.

(3) The board's determination on reasonable cause shall be provided to the complainant and to the person named in such complaint.

[2000 c 211 § 1; 1994 c 154 § 212.]

**RCW 42.52.425****Dismissal of complaint.**

(1) Based on the investigation conducted under RCW [42.52.420](#), and subject to rules issued by each board, the staff of the appropriate ethics board may issue an order of dismissal based on any of the following findings:

- (a) Any violation that may have occurred is not within the jurisdiction of the board;
  - (b) The complaint is obviously unfounded or frivolous; or
  - (c) Any violation that may have occurred does not constitute a material violation because it was inadvertent and minor, or has been cured, and, after consideration of all of the circumstances, further proceedings would not serve the purposes of this chapter.
- (2) Written notice of the determination under subsection (1) of this section shall be provided to the complainant, respondent, and the board. The written notice to the complainant shall include a statement of the complainant's right to appeal to the board under subsection (3) of this section.
- (3) In the event that a complaint is dismissed under this section, the complainant may request that the board review the action. Following review, the board shall:
- (a) Affirm the staff dismissal;
  - (b) Direct the staff to conduct further investigation; or
  - (c) Issue a determination that there is reasonable cause to believe that a violation has been or is being committed.
- (4) The board's decision under subsection (3) of this section shall be reduced to writing and provided to the complainant and the respondent.

[2000 c 211 § 2.]

#### **RCW 42.52.430**

##### **Public hearing -- Findings.**

- (1) If the ethics board determines there is reasonable cause under RCW [42.52.420](#) that a violation of this chapter or rules adopted under it occurred, a public hearing on the merits of the complaint shall be held.
- (2) The ethics board shall designate the location of the hearing. The case in support of the complaint shall be presented at the hearing by staff of the ethics board.
- (3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine witnesses.
- (4) Testimony taken at the hearing shall be under oath and recorded.
- (5) If, based upon a preponderance of the evidence, the ethics board finds that the respondent has violated this chapter or rules adopted under it, the board shall file an order stating findings of fact and enforcement action as authorized under this chapter.
- (6) If, upon all the evidence, the ethics board finds that the respondent has not engaged in an alleged violation of this chapter or rules adopted under it, the ethics board shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(7) If the board makes a determination that there is not reasonable cause to believe that a violation has been or is being committed or has made a finding under subsection (6) of this section, the attorney general shall represent the officer or employee in any action subsequently commenced based on the alleged facts in the complaint.

[1994 c 154 § 213.]

#### **RCW 42.52.440**

##### **Review of order.**

Except as otherwise provided by law, reconsideration or judicial review of an ethics board's order that a violation of this chapter or rules adopted under it has occurred shall be governed by the provisions of chapter 34.05 RCW applicable to review of adjudicative proceedings.

[1994 c 154 § 214.]

#### **RCW 42.52.450**

##### **Complaint against legislator or statewide elected official.**

(1) If a complaint alleges a violation of RCW [42.52.180](#) by a legislator or statewide elected official other than the attorney general, the attorney general shall conduct the investigation under RCW [42.52.420](#) and recommend action to the appropriate ethics board.

(2) If a complaint alleges a violation of RCW [42.52.180](#) by the attorney general, the state auditor shall conduct the investigation under RCW [42.52.420](#) and recommend action to the appropriate ethics board.

[1994 c 154 § 215.]

#### **RCW 42.52.460**

##### **Citizen actions.**

Any person who has notified the appropriate ethics board and the attorney general in writing that there is reason to believe that RCW [42.52.180](#) is being or has been violated may, in the name of the state, bring a citizen action for any of the actions authorized under this chapter. A citizen action may be brought only if the appropriate ethics board or the attorney general have failed to commence an action under this chapter within forty-five days after notice from the person, the person has thereafter notified the appropriate ethics board and the attorney general that the person will commence a citizen's action within ten days upon their failure to commence an action, and the appropriate ethics board and the attorney general have in fact failed to bring an action within ten days of receipt of the second notice.

If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but the person shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees incurred. If a citizen's action that the court finds was brought without reasonable cause is dismissed, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.

Upon commencement of a citizen action under this section, at the request of a state officer or state employee who is a defendant, the office of the attorney general shall represent the defendant if the attorney general finds that the defendant's conduct complied with this chapter and was within the scope of employment.

[1994 c 154 § 216.]

#### **RCW 42.52.470**

##### **Referral for enforcement.**

As appropriate, an ethics board may refer a complaint:

(1) To an agency for initial investigation and proposed resolution which shall be referred back to the appropriate ethics board for action; or

(2) To the attorney general's office or prosecutor for appropriate action.

[1994 c 154 § 217.]

#### **RCW 42.52.480**

##### **Action by boards.**

(1) Except as otherwise provided by law, an ethics board may order payment of the following amounts if it finds a violation of this chapter or rules adopted under it after a hearing under [RCW 42.52.370](#) or other applicable law:

(a) Any damages sustained by the state that are caused by the conduct constituting the violation;

(b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or rules adopted under it, whichever is greater; and

(c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) Damages under this section may be enforced in the same manner as a judgment in a civil case.

[1994 c 154 § 218.]

#### **RCW 42.52.490**

##### **Action by attorney general.**

(1) Upon a written determination by the attorney general that the action of an ethics board was clearly erroneous or if requested by an ethics board, the attorney general may bring a civil action in the superior court of the county in which the violation is alleged to have occurred against a state officer, state employee, former state officer, former state employee, or other person who has violated or knowingly assisted another person in violating any of the provisions of this chapter or

the rules adopted under it. In such action the attorney general may recover the following amounts on behalf of the state of Washington:

(a) Any damages sustained by the state that are caused by the conduct constituting the violation;

(b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or the rules adopted under it, whichever is greater; and

(c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) In any civil action brought by the attorney general upon the basis that the attorney general has determined that the board's action was clearly erroneous, the court shall not proceed with the action unless the attorney general has first shown, and the court has found, that the action of the board was clearly erroneous.

[1994 c 154 § 219.]

#### **RCW 42.52.500**

##### **Optional hearings by administrative law judge.**

If an ethics board finds that there is reasonable cause to believe that a violation has occurred, the board shall consider the possibility of the alleged violator having to pay a total amount of penalty and costs of more than five hundred dollars. Based on such consideration, the board may give the person who is the subject of the complaint the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. The board may also, on its own initiative, provide for retaining an administrative law judge. An ethics board may not require total payment of more than five hundred dollars in penalty and costs in any case where an administrative law judge is not used and the board did not give such option to the person who is the subject of the complaint.

[1994 c 154 § 220.]

#### **RCW 42.52.510**

##### **Rescission of state action.**

(1) The attorney general may, on request of the governor or the appropriate agency, and in addition to other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind state action taken by a state officer or state employee, without liability to the state of Washington, contractual or otherwise, if the governor or ethics board has reason to believe that: (a) A violation of this chapter or rules adopted under it has substantially influenced the state action, and (b) the interest of the state requires the cancellation or rescission. The governor may suspend state action pending the determination of the merits of the controversy under this section. The court may permit persons affected by the governor's actions to post an adequate bond pending such resolution to ensure compliance by the defendant with the final judgment, decree, or other order of the court.

(2) This section does not limit other available remedies.

[1994 c 154 § 221.]

#### **RCW 42.52.520**

##### **Disciplinary action.**

(1) A violation of this chapter or rules adopted under it is grounds for disciplinary action.

(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state officers and state employees not specifically exempted in chapter 41.06 RCW, the rules set forth in chapter 41.06 RCW shall apply. Any action against the state officer or state employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of state officers and state employees of the same category and grade.

[1994 c 154 § 222; 1969 ex.s. c 234 § 26. Formerly RCW 42.18.260.]

#### **RCW 42.52.530**

##### **Additional investigative authority.**

In addition to other authority under this chapter, the attorney general may investigate persons not under the jurisdiction of an ethics board whom the attorney general has reason to believe were involved in transactions in violation of this chapter or rules adopted under it.

[1994 c 154 § 223.]

#### **RCW 42.52.540**

##### **Limitations period.**

Any action taken under this chapter must be commenced within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the action must be commenced within two years from the date the violation was discovered or reasonably should have been discovered: (1) By any person with direct or indirect supervisory responsibilities over the person who allegedly committed the violation; or (2) if no person has direct or indirect supervisory authority over the person who committed the violation, by the appropriate ethics board.

[1994 c 154 § 224.]

#### **RCW 42.52.550**

##### **Compensation of ethics boards.**

The citizen members of the legislative ethics board and the members of the executive ethics board shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislator members of the legislative ethics board shall be reimbursed as provided in RCW 44.04.120.

[1994 c 154 § 227.]

**RCW 42.52.800****Exemptions -- Solicitation for state capitol historic furnishings and preservation and restoration of state legislative building.**

(1) When soliciting charitable gifts, grants, or donations solely for the limited purposes of RCW 27.48.040, members of the capitol furnishings preservation committee are exempt from the laws of this chapter.

(2) When soliciting charitable gifts, grants, or donations solely for the limited purposes of RCW 27.48.050 or when assisting a nonprofit foundation established for the purposes of RCW 27.48.050, state officers and state employees are exempt from the laws of this chapter.

[2002 c 167 § 3; 1999 c 343 § 4.]

**NOTES:**

**Findings -- Effective date -- 2002 c 167:** See notes following RCW 27.48.050.

**Findings -- Purpose -- 1999 c 343:** See note following RCW 27.48.040.

**RCW 42.52.801****Exemption -- Solicitation to promote tourism.**

When soliciting charitable gifts, grants, or donations solely for the purposes of promoting the expansion of tourism as provided for in RCW 43.330.090, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW [42.52.140](#).

[2003 c 153 § 5.]

**NOTES:**

**Findings -- 2003 c 153:** See note following RCW 43.330.090.

**RCW 42.52.802****Exemption -- Solicitation for oral history, state library, and archives account.**

This chapter does not prohibit the secretary of state or a designee from soliciting and accepting contributions to the oral history, state library, and archives account created in RCW 43.07.380.

[2003 c 164 § 4.]

**RCW 42.52.810****Solicitation for the legislative international trade account -- Report.**

(1) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in RCW 44.04.270, the president of the senate is presumed not to be in violation of the solicitation and receipt of gift provisions in RCW [42.52.140](#).

(2) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in RCW 44.04.270, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW [42.52.140](#).

(3) An annual report of the legislative international trade account activities, including a list of receipts and expenditures, shall be published by the president of the senate and submitted to the house of representatives and the senate and be a public record for the purposes of RCW 42.17.260.

[2003 c 265 § 2.]

#### **RCW 42.52.820**

##### **Solicitation for hosting national legislative association conference.**

When soliciting gifts, grants, or donations to host an official conference within the state of Washington of a national legislative association as approved by both the chief clerk and the secretary of the senate, designated legislative officials and designated legislative employees are presumed not to be in violation of the solicitation and receipt of gift provisions in this chapter. For the purposes of this section, any legislative association must include among its membership the Washington state legislature or individual legislators or legislative staff.

[2003 1st sp.s. c 23 § 1.]

#### **RCW 42.52.900**

##### **Legislative declaration.**

Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests. State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.

The citizens of the state expect all state officials and employees to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct the business of the state only in a manner that advances the public's interest. State officials and employees are subject to the sanctions of law and scrutiny of the media; ultimately, however, they are accountable to the people and must consider this public accountability as a particular obligation of the public service. Only when affairs of government are conducted, at all levels, with openness as provided by law and an unswerving commitment to the public good does government work as it should.

The obligations of government rest equally on the state's citizenry. The effectiveness of government depends, fundamentally, on the confidence citizens can have in the judgments and decisions of their elected representatives. Citizens, therefore, should honor and respect the principles and the spirit of representative democracy, recognizing that both elected and appointed officials, together with state employees, seek to carry out their public duties with professional skill and dedication to the public interest. Such service merits public recognition and support.

All who have the privilege of working for the people of Washington state can have but one aim: To give the highest public service to its citizens.

[1994 c 154 § 1.]

**RCW 42.52.901****Liberal construction.**

This chapter shall be construed liberally to effectuate its purposes and policy and to supplement existing laws as may relate to the same subject.

[1994 c 154 § 301.]

**RCW 42.52.902****Parts and captions not law -- 1994 c 154.**

Parts and captions used in this act do not constitute any part of the law.

[1994 c 154 § 302.]

**RCW 42.52.903****Serving on board, committee, or commission not prevented.**

Nothing in this chapter shall be interpreted to prevent a member of a board, committee, advisory commission, or other body required or permitted by statute to be appointed from any identifiable group or interest, from serving on such body in accordance with the intent of the legislature in establishing such body.

[1969 ex.s. c 234 § 33. Formerly RCW 42.18.330.]

**RCW 42.52.904****Effective date -- 1994 c 154.**

Sections 101 through 121, 203, 204, 207 through 224, and 301 through 317 of this act shall take effect January 1, 1995.

[1994 c 154 § 319.]

**RCW 42.52.905****Severability -- 1994 c 154.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1994 c 154 § 320.]